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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,166

04/11/2005

Hans-Christoph Magel

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01/25/2008

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/531,166

Applicant(s)

MAGEL, HANS-CHRISTOPH

Examiner

Christopher S. Kim

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20,21 and 23-37 is/are pending in the application.
- 4a) Of the above claim(s) 26,28,29,31-34 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20,21,23-25,27,30,35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 21, 2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

3. Claims 26, 28, 29, 31-34 and 36 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 20, 2006.

### ***Claim Rejections - 35 USC § 102***

4. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Boecking (US 2002/0023970 A1).

Boecking discloses a fuel injection device comprising:

- a multi-part injector body 2;
- a pressure booster means comprising:
  - a pressure booster piston 9, 15, 19;
  - a working chamber 13;
  - a differential pressure chamber (chamber surrounding 10);
- an on-off valve 3;
- a central control line (downstream vertical portion of 10).

5. Claims 20, 21, 23, 25, 27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (4,627,571).

Kato discloses a fuel injection device comprising:

- a multi-part injector body 18, 22;
- a pressure booster means comprising:
  - a pressure booster piston 56;
  - a working chamber 24;
  - a differential pressure chamber 54;
- an on-off valve 12;
- a central control line 58;
- a high pressure tight connection 46;
- a sealing sleeve 42;
- a spring 50.

6. Claims 20, 21, 23, 25 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Boecking et al. (WO01/38712).

Boecking discloses a fuel injection device comprising:

- a multi-part injector body 46, 54, 56;

- a pressure booster means comprising:

  - a pressure booster piston 62;

  - a working chamber 78;

  - a differential pressure chamber 75;

- an on-off valve 16;

- a central control line 58, 65;

- a recess 73;

- an overflow line 34, 49;

- a spring 50.

7. Claims 35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider (4,538,576).

Schneider discloses a fuel injection device comprising:

- a multi-part injector body 12 (body 12 includes multiple parts including plunger 16);

- a pressure booster means comprising:

  - a pressure booster piston 18;

  - a working chamber 20;

  - a differential pressure chamber 30;

- an on-off valve 80;

- a central control line 46.

### ***Response to Arguments***

8. Applicant's arguments filed November 21, 2007 have been fully considered but they are not persuasive.

It appears that applicant is arguing that the amended claims now invoke means plus function under 35 U.S.C. 112, sixth paragraph. Claim 27 violates the third prong of the 3-prong analysis specified under MPEP 2181.

- (A) the claim limitations must use the phrase "means for" or "step for;"
- (B) the "means for" or "step for" must be modified by functional language; and
- (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function.

The "pressure booster means for increasing pressure..." is modified by structure for achieving the specified function. The claim recites "...said pressure booster means (11) comprising..."


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Christopher S. Kim  
Primary Examiner  
Art Unit 3752

CK